

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-223267 **DATE:** June 26, 1986  
**MATTER OF:** Government Contract Services, Inc.

**DIGEST:**

Protest of award of negotiated contract based on offer which did not include a bid bond, as required by solicitation, is dismissed as academic where, 2 weeks prior to date for receipt of best and final offers, agency issues amendment acknowledging as inadvertent error the inclusion of bond requirement in solicitation.

Government Contract Services, Inc. (GCSI), protests the award of a contract to any other bidder under request for proposals No. GS04P86RQC0071, issued by the General Services Administration (GSA) for building renovations. In its protest, filed on June 4, 1986, GCSI, the second low offeror, contends that it is the low, responsive "bidder" since it included in its "bid" a bid bond, as required in item 13B of the solicitation, whereas "the low bidder" did not. On June 2, 1986, GSA issued an amendment to the solicitation, which stated:

"Block 13B was checked inadvertently. No bid bond is required. There are no other changes. Specifications remain the same."

The agency also requested in the amendment that best and final offers be submitted on June 18, 1986.

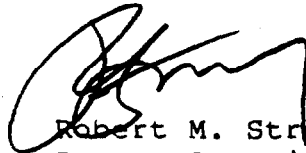
GCSI's submissions show that the protester is under the impression that the solicitation was issued as a sealed bid/formally advertised procurement. On the basis of that misunderstanding, the protester concluded that the agency acted improperly in amending the solicitation after bids had been publicly opened to eliminate the erroneous bid bond requirement. The protester's misunderstanding may have been caused by an error on the face of the solicitation as originally issued: under block 2 (Type of Solicitation), the agency erroneously checked "Advertised (IFB)." The procurement is, however, a negotiated one, which should have been apparent since the solicitation includes GSA Form 3502,

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solicitation provisions applicable to negotiated procurements.

The agency's issuance of an amendment, 2 weeks in advance of the date for submission of best and final offers, acknowledging that the requirement for a bid bond in the RFP as initially issued was an inadvertent error renders academic GCSI's protest. Moreover, since GSCI has had an opportunity to modify its offer for the negotiated procurement in light of the amendment, it has not been prejudiced by the matters of which it complains. See Camel Manufacturing Co., B-218473, July 8, 1985, 85-1 C.P.D. ¶ 31.

The protest is dismissed.



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Deputy Associate General Counsel